

1:20CR037 HAB



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NOTICE TO AGENT IS NOTICE TO PRINCIPAL, NOTICE TO PRINCIPAL IS NOTICE TO AGENT 3 2020

Notice of Removal

At
ROBERT N. TRGOVICH, Clerk
U.S. DISTRICT COURT
NORTHERN DISTRICT OF INDIANA

Case No. 02D06-2001-F5-000030

1. **A'zaam Walee Bey**, Natural Person, Ex. Rel. VANTRELL DESHAWN THOMAS aboriginal/ Indigene; In Propria Persona(and not Pro Se); Sui Juris Sui Heredes, In solo proprio, Non-Domestic, Non Resident and Non-Subject is of a Moroccan Descent which makes him of a Moorish State.
2. **A'zaam Walee Bey** is not a resident of the State of Indiana. Therefore, the State of Indiana, Allen County Superior Court lacks Personam-Jurisdiction over the natural Person: **A'zaam Walee Bey**.

*If any tribunal finds absence of proof of jurisdiction over person and subject matter the case must be dismissed. **Louisville Rail Road v. Motley, 211 U.S. 149, 29 S Ct. 42***

*Once challenged, jurisdiction cannot be "assumed" it must be proven to exist. **Stuck v. Medical Examiners, 94 Ca. 2d 751, 211 P. 2d 389***

*The Law requires proof of jurisdiction to appear on the record of the administrative all administrative proceedings **Hagans v Lavine 415 U.S. 533***

3. Since the natural person is not a citizen nor resident of the state nor the United States, this issue must be litigated in Federal Court. See Article III Section 1 and 2 of the American Constitution: **Section 1** the judicial power of the United States, shall be vested in one supreme court, and in such inferior Courts as the Congress may from time to time ordain and establish. (e.g. United States District Courts and the United States Courts of Appeals.) **Section 2 clause 1:** The judicial power shall extend to all Cases, in the Law and Equity arising under this Constitution, the Laws of the United States, and Treaties made... to all cases between a state, or citizens thereof, and foreign states, Citizens or Subjects.

*If any tribunal finds absence of proof of jurisdiction over person and subject matter, the case must be dismissed. **Louisville Rail Road v Motley , 211 U.S 149, 29 S Ct. 42***

*A court cannot confer jurisdiction where none existed and cannot make a void proceeding valid. It is clear and well-established law that a void order can be challenged in any court. **OLD WAYNE MUT. L. ASSOC. V. McDONOUGH, 204 U.S. 8,27 S Ct.236(1907).***

3. **A'zaam Walee Bey** is a citizen of the State of Morocco. Therefore, the treaty between Morocco and the United States of 1787 is applicable here. To which, said treaty mentions that all issues or disputes between a citizen of the United States and a Moor, Consuls shall decide between the parties. Therefore, since treaties are part of the supreme Law of the Land, this issue must be litigated in Federal Court. See the Treaty of Amity and commerce between the United States and the Emperor of Morocco Article 20 and 21.

Pursuant to the Federal Rules of Civil Procedures the above referenced State case must be litigated in federal court.

"Whoever, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury and shall be fined no more than \$2,000.00 or imprisoned not more than five years or both." 18 U.S.C. §1621

Pursuant to the United States Supreme Court decision in *Younger v Harri*, 401 U.S 37(1971):

"...when absolutely necessary for protection of constitutional rights, courts of the United States have power to enjoin state officers from instituting criminal actions."

4. The Treaty granted no personam jurisdiction, nor territorial jurisdiction to the united States over any Moor/Moorish Estate except those which pertain to article 21, which applies to the criminal act of killing or wounding a citizen of the respective nations, to which, the proper venue is consular courts (also see Sundry Fee Moors act of 1790). Thus, any proceedings of a case to which a Moor is party is a violation of that Moors constitutionally secured rights.

Treaty is law of land as an act of Congress is whenever its provisions prescribe rule by which rights of private citizens or subjects may be determined **Head Money Cases**, 112 US 580, 28L Ed 798 5 S Ct 247.

State statutory provisions must yield to any applicable provisions of any treaty of the United States with a foreign country, constituting a part of the supreme law of land. **De Tenorio V McGrown** (CA5 Miss0 510 F2d 92, adhered to (CA5 Miss) 53 F2d 294, cert den 423 US 877, 46 L Ed 2d 110, 96 S Ct 150 and later app (CA5 Miss) 589 F2d 911.

Treaty lawfully entered into stands on the same footing supremacy as do Constitution and laws of United States and it is generally self- operating in that it requires no legislation by either Congress or the state; treaty must be regarded as part of law of state as much as are state's own statutes, and it may override power of state even in respect of great body of private relations. **Amaya V Stanolind Oil & Gas Co.** (CA5 Tex) 158 F2d, cert den 331 US 808, 91 L Ed 1828, 67 S Ct 1191, Reh den 331 US 867, 91 L Ed 1871 , 67 S Ct 1530.

Courts cannot go above a treaty for purposes of annulling its effect and operation **Fellows V Blacksmith**, 60 US 366, 15 L Ed 684.

The exercise of criminal jurisdiction was also provided for in a treaty with Morocco, 8 Stat. 100, by virtue of a most- favored- nation clause and by virtue of a clause granting jurisdiction if "any...citizens of the United States Shall have any disputes with each other." the word "disputes" has been interpreted by the International Court of Justice to comprehend criminal as well as civil disputes. France v United States, 1. C. J. Reports 1952, pp. 176, 188-189. The treaties with Algiers, 8 Stat. 133, 224.244; Tunis, 8 stat. [354 U.S. 1. 62]157; and Muscat, 8 Stat. 458, contained similar "disputes" clauses. 9. United States Supreme Court REID v COVERT, 9 (1956) No. 701. Argued May 3, 1956 Decided: June 11, 1956.

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Proof of Service

Pursuant to UCC 2-202 notice and knowledge; Federal Rule of Civil Procedure Rule 5. Serving and Filing Pleading and Other papers, I hereby certify by placing my autograph/ signature below, that this notice was sent and served to the Allen County Prosecutor's Office, Allen County Superior Court and the United States District Court for the Northern District of Indiana Via United State Postal Service, the certified mail numbers can be produced upon demand.

Uncontested allegations in an affidavit must be considered as true. Morris v National Cash Register, 44S. W. 2d 433.

Allegations in the affidavit in support motion must be considered as true in absence of counter- affidavit Group v. Finletter, 18 F. Supp. 327 (D.C. D. C., 1952).

Under penalty of perjury and persecution from the Moorish nation do declare and state for the record , to the best of my ability, that all claims and statements made in this affidavit are true, factually based and not made for , nor intended to be sued for fraud nor misrepresentation. A free Moorish American national and citizen of the free National Government of Morocco, I am: A'zaam Walee Bey. In honor of my Moabite ancestors to time immemorial, exercising the Divine and Common-Law-Right to Jus Postliminii in accord with the high principles of Love, Truth, Peace, Freedom and Justice.

Thank You,

I Am: A'zaam Walee Bey

A'zaam Walee Bey Ex-Rel VANTRELL DESHAWN THOMAS

Authorized Representative

Flesh and Blood Being, In Propria Persona

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A'zaam Wakee Bey
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Indiana District - Clerk of Court
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